

OFFICIAL COPY

Fresno, California

September 25, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30 a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Andrew Souza, Assistant City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Rev. Ara Guekguezian, Pilgrim Armenian Congregation Church, gave the invocation and led the Pledge of Allegiance to the Flag.

APPROVE REDEVELOPMENT AGENCY MINUTES OF SEPTEMBER 18, 2001

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the Agency minutes of September 18, 2001, approved as submitted.

(“A”) CONSIDER PROGRAM FINAL EIR NO. 2000-01 FOR THE CONVENTION CENTER REDEVELOPMENT PROJECT AREA - DOWNTOWN PRESTIGE MIXED USE DEVELOPMENT, AND A MITIGATED NEGATIVE DECLARATION FOR CUP NO. C-01-145, RELATING TO THE DEVELOPMENT OF A 400-ROOM WYNDHAM HOTEL LOCATED AT 800–808 “M” STREET AND A PARKING GARAGE ON THE WEST SIDE OF “O” STREET BETWEEN INYO AND VENTURA BEHIND THE CONVENTION CENTER COMPLEX

1. RESOLUTION - CERTIFYING PROGRAM EIR NO. 2000-01, WITH ATTACHMENTS
2. COUNCIL RESOLUTION - FINDING THAT THE PROPOSED ALGEN PROJECT WILL NOT RESULT IN THE GENERATION OF ANY SIGNIFICANT ADVERSE IMPACTS RESULTING IN ADOPTING A MITIGATED NEGATIVE DECLARATION FOR CUP NO C-01-145 **(REMOVED FROM THE AGENDA)**
(CONTINUE TO OCTOBER 2, 2001, AT 8:30 A.M.)

Chair Duncan advised due to the September 11th tragedies and the affect on the financial market Algen had notified the City their plans for the 400-room hotel had been put on hold, stated it was unfortunate but he felt the project would pick up in the future, and advised staff would continue to work with the Ophelias and the Algen Group.

By Council consensus, the above entitled **Item A-1** continued to October 2nd as noted, and **Item A-2** was removed from the agenda.

(“B”) CONSIDER ADOPTION OF RESOLUTIONS APPROVING REIMBURSEMENT AGREEMENTS BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY, AND AUTHORIZING THE AGENCY TO REIMBURSE COSTS FOR INSTALLING PUBLIC IMPROVEMENTS WITHIN AND OUTSIDE THE AIRPORT AREA REVITALIZATION, SOUTHEAST FRESNO REVITALIZATION, SOUTH FRESNO INDUSTRIAL REVITALIZATION, AND SOUTHWEST FRESNO GNRA REDEVELOPMENT PROJECTS RELATING TO PEACH AVENUE, KINGS CANYON ROAD, NORTH AVENUE, JENSEN AVENUE AND ELM AVENUE IMPROVEMENTS

1. JOINT RESOLUTION NO. 01-293/1587 - APPROVING A REIMBURSEMENT AGREEMENT RELATING TO THE PEACH AVENUE IMPROVEMENTS

1. JOINT RESOLUTION NO. 01-294/1588 - APPROVING A REIMBURSEMENT AGREEMENT RELATING TO THE PEACH AVENUE AND KINGS CANYON ROAD IMPROVEMENTS

1. JOINT RESOLUTION NO. 01-295/1589 - APPROVING A REIMBURSEMENT AGREEMENT RELATING TO THE NORTH AVENUE AND JENSEN AVENUE IMPROVEMENTS

1. JOINT RESOLUTION NO. 01-296/1590 - APPROVING A REIMBURSEMENT AGREEMENT RELATING TO THE ELM AVENUE IMPROVEMENTS

Redevelopment Administrator Murphey gave a brief overview of the staff report as submitted. A motion and second was made to adopt the resolutions.

Barbara Hunt, 944 “F” Street, spoke in opposition.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution Nos. 01-293/1587, 01-294/1588, 01-295/1589 and 01-296/1590 hereby adopted, subject to minor modifications approved by the City Manager and Agency Executive Director and approved as to form by the City Attorney, and making certain findings pursuant to Health & Safety Code Section 33445; and the Executive Director or Redevelopment Administrator authorized to sign the agreements and such further documents and take such further actions as may be necessary to carry out the Agency’s obligations under the Agreements, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea, Ronquillo, Duncan
Noes	:	None
Absent	:	None

(“C”) CONSIDER FOR APPROVAL A MEMORANDUM OF UNDERSTANDING TO ENTER INTO A CONVEYANCE AGREEMENT BETWEEN THE CITY AND THE CALIFORNIA DEPARTMENT OF GENERAL SERVICES PERTAINING TO THE PROPOSED NEW FIFTH APPELLATE DISTRICT COURTHOUSE PROJECT ON A CITY-OWNED SITE ON THE NORTH SIDE OF TULARE STREET BETWEEN “N” AND “O” STREETS

Redevelopment Administrator Murphey gave a brief overview of the staff report as submitted. A motion and second was made to approve staff’s recommendation.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Brief discussion ensued with Ms. Murphey responding to questions of Councilmembers Boyajian and Quintero relative to whether the State was interested in the subject site, project timeline, the library's plans, if funding for the courthouse was in place, impact if the library wanted to expand on the site, and how City employee parking would be accommodated.

On motion of Chair Duncan, seconded by President Perea, duly carried, RESOLVED, the Memorandum of Understanding with the California Department of General Services stating the City's intentions to enter into a Conveyance Agreement between the City and GSA in order to proceed with the development of the proposed New Fifth Appellate District Courthouse Project on a City-owned site on the north side of Tulare Street between "N" and "O" Streets hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea, Ronquillo, Duncan
Noes	:	None
Absent	:	None

AGENCY UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING STADIUM LEASE REVENUE BONDS AND SITE CONTAMINATION

Appearance made; no action taken.

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The joint bodies adjourned their meeting at 8:56 a.m. and the City Council convened in regular session.

APPROVE MINUTES OF SEPTEMBER 18, 2001

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of September 18, 2001, approved as submitted.

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APPROVE JOINT POWERS FINANCING AUTHORITY (JPFA) MINUTES OF SEPTEMBER 18, 2001

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the JPFA minutes of September 18, 2001, approved as submitted.

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APPROVE AGENDA:

(5C) RESOLUTION - DECLARING THE THIRD FLOOR MEZZANINE OF CITY HALL AS GENERAL GEORGE WASHINGTON GALLERY - COUNCILMEMBER DUNCAN

At the request of Councilmember Duncan and with Council consensus, the matter was scheduled for 9:45 a.m. #2.

DIRECT STAFF TO LOOK INTO FINANCIAL TRANSACTION ENTERED INTO BY FORMER DISTRICT 2 COUNCILMEMBER WITH THE BOYS SCOUTS AND APPROPRIATE FUNDING FROM SOURCE OTHER THAN DISTRICT 2'S BUDGET - COUNCILMEMBER CALHOUN

Direction made.

REFERRAL OF THE 10% CONTINGENCY FUND ISSUE TO THE COUNCIL FISCAL RESPONSIBILITY COMMITTEE TO REVIEW AND REPORT BACK FOR COUNCIL DISCUSSION - COUNCILMEMBER CALHOUN

Referred.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Perea, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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CONSIDER CONSENT CALENDAR:

(1A1d) AWARD CONTRACT FOR PURCHASE OF RISK CLAIMS COMPUTER INFORMATION SYSTEM
(ACTED UPON LATER IN THE MEETING)

City Clerk Klisch advised staff wanted it clarified that action being requested was to *authorize* the negotiation of a contract by September 30, 2001, not *award* a contract. So noted.

ADOPT CONSENT CALENDAR:

(1A1-b) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO MCCAIN TRAFFIC SUPPLY IN THE ESTIMATED AMOUNT OF \$142,539.87 FOR TRAFFIC SIGNAL CABINETS AND ANCILLARY DEVICES

(1A1-c) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO SAFEWAY SIGN COMPANY IN THE AMOUNT OF \$125,310.83 FOR GRAFFITI-PROOF REFLECTIVE SHEETING TRAFFIC AND STREET NAME SIGNS

(1A1-f) AWARD A CONTRACT TO ELECTRIC MOTOR SHOP, INC., IN THE AMOUNT OF \$89,000 FOR INSTALLATION OF A TRAFFIC SIGNAL AT CHESTNUT AND GEORGE MCLAIN

(1A-7a) CONSIDER THE PROPOSED WILLOW-PERRIN NO. 3 REORGANIZATION CONSISTING OF APPROXIMATELY 36 ACRES PROPOSED FOR DETACHMENT FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TO THE CITY OF FRESNO

1. RESOLUTION NO. 01-297 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED WILLOW-PERRIN NO. 3 REORGANIZATION

(1A-10a) * RESOLUTION NO. 01-298 - 18TH AMENDMENT TO AAR 01-200 APPROPRIATING \$128,600 FOR GRANT FUNDED IMPROVEMENTS TO THE CHILDREN'S AREA AND PUBLIC ACCESS AT HOLMES PLAYGROUND

(1A-11a) * RESOLUTION NO. 01-299 - 23RD AMENDMENT TO AAR 01-200 TRANSFERRING \$133,000 OF CONTINGENCY FUNDS TO COVER THE COST OF PEACE OFFICER STANDARDS AND TRAINING (POST)

(1A-13a) APPROVE ACQUISITION OF, AND ACCEPT GRANT DEED FOR, FRESNO COUNTY APN 460-312-24 FROM JOHN BERLESE, CHARLES BERLESE AND ROSALIA POWELL FOR \$32,500; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION ON BEHALF OF THE CITY

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

(1B) BILL NO. B-75 - AMEND SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO DISABILITY RETIREMENT BENEFITS IN THE FIRE AND POLICE RETIREMENTS SYSTEM

a. BILL NO. B-76 - AMEND THE FRESNO MUNICIPAL CODE RELATING TO DISABILITY RETIREMENT BENEFITS IN THE EMPLOYEES RETIREMENT SYSTEM

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill Nos. B-75 and B-76 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5A) COUNCIL APPOINTMENT TO THE HEALTH AND WELFARE TRUST - PRESIDENT PEREA

Briefly reviewed by President Perea.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, Transit Manager Bruce Rudd appointed to the Health and Welfare Trust, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(5B) CONSIDER AMENDMENTS TO THE FRESNO CITY EMPLOYEES HEALTH AND WELFARE TRUST RELATING TO APPOINTMENTS BY THE CITY AND ARBITRATION PROCEDURES - COUNCILMEMBER QUINTERO

Removed from the agenda by Councilmember Quintero.

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(5D) REQUEST CITY MANAGER TO INVESTIGATE THE POSSIBILITY OF INCREASING CITY USER FEES - COUNCILMEMBER BOYAJIAN (*DISCUSSED AGAIN LATER*)

Reviewed by Councilmember Boyajian who stated due to the lack of funds he felt an increase in user fees needed to be looked into to generate much needed revenue, and questioned what specifically user fees were, if naming rights could be looked into and if that was an option, bus advertising, and if there were any legal issues with the City doing something similar to Fresno State and their vendors, with Interim Controller Quinto, Assistant City Manager Souza and City Attorney Montoy responding. Mr. Souza advised staff would report back with a list of user fees. Acting President Ronquillo stated he would like to see what Fresno County does and relative to naming rights requested the new sports complex on Jensen Avenue be considered and explained. (The matter was considered again and acted on later in the meeting).

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(2A) APPROVE CITY ALLOCATION IN THE 2001 FRESNO COUNTY REGIONAL HOUSING NEEDS ALLOCATION PLAN

Development Director Yovino reviewed the staff report as submitted, advised Fresno County's request for the city to assume more of the County's share was a fair one as long as the County maintained and implemented policies to direct growth to the cities, and recommended approval of the allocation plan.

Barbara Hunt, 944 "F" Street, spoke to the issue.

(2 - 0) Councilmember Calhoun questioned if the plan was in the best interest of the citizens of the city stating he wanted to make sure we were not operating "with a gun to our head", stressed he did not want something "shoved down our throats" if staff, including housing staff, was uncomfortable, and presented additional questions relative to whether the County would retain its planning policies, if language should be included in the plan to protect the City, and legislation imposing penalties on cities who did not adopt housing elements on time, with Mr. Yovino responding. A motion and second to approve staff's recommendation was acted upon after additional discussion.

City Attorney Montoy and Mr. Yovino responded to questions of Councilmembers Boyajian and Quintero and/or clarified issues relative to whether the plan was a rationalization to justify housing over environmental impacts, a rationalization for Copper River, if inclusionary zoning would be included, if boarded-up/vacant homes were part of the plan, southeast Fresno being the new growth area and if there were any mandates on where to build, and the plan/numbers being a planning goal. Councilmember Castillo briefly left the meeting at 9:34 a.m.

Assistant City Manager Souza advised the city manager shared similar concerns expressed and advised Mr. Hobbs and staff were working on strategies to implement the plan using both private and public sector and that the manager's office was very aware of the need for affordable owner-occupied housing for low and moderate income families.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the revised allocation included in the Executive Summary and on Table 18 of the staff report hereby accepted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	Castillo

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(9:30 P.M.) APPEARANCE BY MARK KEPPLER REGARDING THE PROPOSED MASTER TRAIL PLAN

Appearance made with Mr. Keppler requesting Council approve the master trail plan and direct staff to participate in meetings.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Councilmember Calhoun questioned why Council was being asked to approve the plan if it had been approved in the past with Mr. Keppler stating he was hoping for Council's support and direction to staff to work in cooperation with the other jurisdictions to start to plan out the system. Development Director Yovino confirmed the City did have a Master Trail Plan and there was consensus on a new plan, and advised staff would continue to work with Mr. Keppler and his group. Councilmember Castillo returned to the meeting at 9:39 a.m. Mr. Keppler advised there had been no City representation at some of the initial meetings and stated they would like the City there. Councilmember Quintero requested a copy of a larger map that included the Butler, Kings Canyon and Tulare areas, and Councilmember Boyajian requested Council be kept in the loop on trails and ditch bank issues and presented questions relative to funding and projects, with Mr. Keppler responding. There was no further discussion.

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(9:45 A.M.) * RESOLUTION NO. 01-300 - AUTHORIZING PAYMENT OF SALARY DIFFERENCE BENEFIT TO CITY EMPLOYEES WHO HAVE BEEN ACTIVATED AS A RESULT OF OPERATION INFINITE JUSTICE - PRESIDENT PEREA

Reviewed by President Perea who stated the City was committed to support the families of soldiers and made a motion to adopt the resolution, which motion was seconded and acted upon after brief discussion.

Speaking in support of the resolution were: Lt. Col. Watson, who also introduced some activated police officers in attendance; and General Ron Markarian, who also commended the officers.

Council spoke in support of the resolution and extended their appreciation, thanks and prayers to the activated employees and their families.

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-300 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5C) RESOLUTION NO. 01-301 - DECLARING THE THIRD FLOOR MEZZANINE OF CITY HALL AS GENERAL GEORGE WASHINGTON GALLERY - COUNCILMEMBER DUNCAN

Councilmember Duncan stated he was honored to introduce the resolution, advised he had an opportunity to visit George Washington's home (Mt. Vernon) and tomb and commented on General Washington's contributions to the founding of our country, and stated naming the third floor was a wonderful opportunity to be involved in and made a motion to adopt the resolution.

Speaking in support were: General Ron Markarian, who also spoke to General Washington's contributions and the need to pay tribute to him; "General George Washington"; and Barbara Hunt, 944 "F" Street.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-301 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3 - 0) RECESS - 10:06 A.M. - 10:21 A.M.

(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 29 - TRACT NOS. 4493, 4743, 4961, 4979 AND 5006

1. RESOLUTION NO. 01-302 - ANNEXING TERRITORY TO CFD NO. 2, ANNEXATION NO. 29, AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 01-303 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 01-304 - DECLARING ELECTION RESULTS

4. * BILL NO. B-77 - ORDINANCE NO. 01-69 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-2002 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 29

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Engineer Phillips gave a brief overview of the issue as contained in the staff report.

Councilmember Duncan expressed concern that a special tax was being levied for landscaping services yet it was being done improperly or not at all, questioned what the city's obligation was, requested staff provide an accounting on how the fees were being utilized, and stated he had received numerous calls and some homeowners associations wanted to provide their own service, with City Attorney Montoy and Assistant City Manager Souza responding to questions and concerns. Councilmember Calhoun stated he, too, has had the same serious concerns and questioned who administered the program, stated he wanted to see an analysis on how the fees were being used in one, two or three council districts (picked randomly), and clarified concerns expressed were the result of complaints received. Mr. Phillips and Mr. Souza advised the involved departments would coordinate and report back in three weeks with a plan to address concerns.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 01-302, 01-303, 01-304 hereby adopted, and the above entitled Bill No. B-77 adopted as Ordinance No. 01-69, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:15 A.M.) HEARING TO CONSIDER ADOPTION OF A RESOLUTION OF PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF FEE TITLE TO THE "BULLARD CANAL" LAND ALONG THE NORTH SIDE OF W. HERNDON AVENUE EAST OF N. MARKS AVENUE

1. * RESOLUTION NO. 01-305 - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF AN EASEMENT FOR STREET PURPOSES FOR THE CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS, LANDSCAPING AND TRAIL FACILITIES

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Real Estate Agent Balch gave a brief overview of the staff report as submitted and responded to questions of Councilmember Castillo relative to the value of the property.

Upon call, no one wished to be heard and President Perea closed the hearing.

On notion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-305 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:30 A.M.) REPORT ON CONSOLIDATION OF CITY SERVICES RELATING TO THE STREET TREE MAINTENANCE PROGRAM

Public Works Director Williamson gave the report as contained in the staff report as submitted and along with Streets Manager Dilley responded at length to Council comments, suggestions and/or questions relative to partnering with the LCC to follow up on the City's work, what portion of the program was administered by public works, number of tree trimming staff and titles, how emergency problems called in by Council would be dealt with, how soon the geo-based program would be implemented, concern with previously made requests being backlogged, if the parks division would continue to receive tree requests, if the entire residential tree trimming program was transferred to public works, who supervised staff and contract employees, if the concrete repair program was still with the streets division, combining tree and concrete repair requests, if tree removal was performed by both the city and the private sector, and duties of tree trimming staff and concern with staff being "management heavy". No action was required and there was no further discussion.

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(10:45 A.M.) APPROVAL OF SOCIAL SERVICES FUNDING (RECONSIDERED AND ACTED UPON AGAIN LATER IN THE MEETING)

President Perea advised allocation recommendations of the Human Relations Commission (HRC) were before Council this date, briefly reviewed the background of social services funding, and stated a shift in the attitude of the funds was now being seen with the \$100,000 reduction in funding this year and advised a difference in philosophies would also be heard.

David Roy, Chair, Social Services Funding Sub-Committee, explained the process undertaken in reviewing the 38 applications and determining funding allocations, and acknowledged and introduced other members of the HRC in attendance.

Councilmember Duncan reviewed the report of the Fiscal Responsibility Committee and their recommendations to (1) approve the HRC recommendations, (2) fund two new programs, Dance Empowerment and CSUF-Friendly Visitor Center, stating they were directly related to established Council priorities of Youth and the Elderly, and (3) that remaining funds in the amount of \$51,899 be directed to public works to provide additional handicapped curb cuts.

Speaking to the issue, and/or requesting funding, and/or reconsideration of funding allocations were: David Houck, Fresno Reel Pride, 2130 W. Alluvial; Joan Minasian, 1926 N. Thorne, Hope Now for Youth; Carrie Good, 2024 W. Vartikian, Hope Now for Youth **(4 - 0)**; Rev. Roger Minassian, Executive Director/Founder, Hope Now for Youth, 330E. Everglade; Jeff Telina, YMCA Youth Connection, 1408 "N" Street; Gwenn Spratt, YMCA Teen Connection, 1934 N. Wishon; Yvonne Guerra, YMCA Teen Connection, 5637 N. Rafael; Paula Harris, YMCA Program Director, Teen Connection, 1408 "N" Street; Polly Chandler-Franson, 4421 N. Cedar #202, support HRC's recommendations; Charlotte Jenks, Central California Pride Network, 1302 E. Olive; Susan Bechara, House of Hope Truancy Prevention Program; Phillip Kimble, Friendship Center for the Blind; Kathleen McIntyre, Human Services Coalition, 3795 E. Shields; Don Albright, Friendly Visitors, 5072 N. Wishon #B; Alfonso Hernandez, Chicano Youth Center, 50 N. Calaveras; Javier Guzman, Chair, Chicano Youth Center, 4294 N. Hughes; Sue Moore Fenske, President, Community Food Bank, 2134 W. Alluvial; and Jacque Smith Garcia, Director, Comprehensive Youth Services, 8105 N. 8th.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the matter.

Acting President Ronquillo commented strongly in support of social service funding stating this was a human investment issue and the city needed to invest up-front or pay dearly at the end; stated he would continue to be an advocate for youth programs as he had seen the results; and thanked the HRC for all their work and clarified their recommendations were not set in stone and further dialog was probably needed.

Councilmember Calhoun thanked the HRC for all their work and efforts **(5 - 0)** and stated as far as he could tell the HRC did everything in accordance with Council's expectations; clarified there was never any discussion or Council direction to the HRC to exclude new organizations and he opposed the Council Fiscal Responsibility Committee's recommendation to fund two new programs and exclude others adding they all applied in good faith; and made a motion to accept the recommendations of the HRC as presented. Upon call, the motion died for lack of a second.

Councilmember Duncan gave an update on the grant writer position; relative to the funding stated each Council member had their own philosophy and added any idea that Council was opposed to helping the community was incorrect; stressed a huge challenge was faced in funding the agencies, decisions had to be made, and the reality was the City did not have all the money it wished it had to help all the people; and concluded stating the funding issue was in a process of change and the Committee was looking at new ways to support the agencies.

Councilmember Boyajian spoke in support of social service funding stating people were the biggest infrastructure and advised his philosophy was to help the "underdogs", and stressed all the agencies were worthy and deserving of funding and thanked them for all they did for the community.

Councilmember Quintero commented on the process, effectiveness and accountability of the agencies; explained the Council infrastructure budgets and the 15% formula for non-infrastructure items advising his 15% had already been spent and it was only three months into the new fiscal year; commented on the lack of funds and need to tighten the belt; stated those agencies that had already delivered needed to be funded and he felt the nine new agencies recommended for funding in the amount of \$60,513 should be de-funded with the matter referred back to the HRC to disburse those funds to the agencies recommended for funding this year and past years, and added and clarified this was not saying anything negative about the new programs. Upon question, Mr. Kimble advised for every dollar the city allocates to agencies seven to ten dollars is brought back in or generated due to agencies' proposals and grant applications. Councilmember Quintero stated this was a very critical point to understand by those who may look at social service funding as money that "just goes out", and made a motion to accept the recommendations, de-fund the nine new agencies recommended for funding in the total amount of \$60,513, and refer the matter back to the HRC to disburse those funds to the existing agencies recommended for funding.

Acting President Ronquillo commented briefly on trying to select the most effective programs based on former criteria, on leveraging dollars, and on the need to pay grant writers a commission based on what they deliver and explained.

Councilmember Castillo emphasized Council was not callous and did care about the agencies; stressed the bottom line was the dollars were not there; noted last year the agencies were given an indication of what was now happening and he had hoped to hear more this date about what had occurred this past year in consolidating some of the resources out there and what other additional sources of funding had been secured; commented on the financial condition of the city and the contingency fund that was established; and asked for understanding stating the decision that would be made this date was not an easy one and all Council members wrestled with the issue.

President Perea advised he has been an advocate of social service funding, stated his concern was with the County's funding amount stressing they should allocate more as they are mandated to do so and the City is not, and stated he felt a discussion was needed on the future of social services funding and added citizens also had the responsibility to play a more active role on who is elected to Council.

Councilmember Boyajian offered a friendly amendment to the motion to look at new programs with Councilmember Quintero advising his motion stood as presented.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the funding recommendations of the Human Relations Commission (HRC) hereby accepted *excluding* the nine new agencies recommended for funding in the amount of \$60,513, and the matter referred back to the HRC to disburse the \$60,513 to all the other agencies funded this year in this and past years, by the following vote:

Ayes	:	Boyajian, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Castillo, Duncan
Absent	:	None

Upon question of Mr. Kimble, City Attorney Montoy and Assistant City Manager Souza clarified all the agencies recommended for funding, except the new agencies, were funded and would receive *at least* the amount recommended and advised staff would begin immediately to make the resources available.

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LUNCH RECESS - 12:28 P.M. - 2:04 P.M. Councilmember Boyajian arrived later.

(11:00 A.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1A-1a) AWARD A REQUIREMENTS CONTRACT FOR ORNAMENTAL STREETLIGHT POLES AND CAPITOLS

Streets Manager Dilley responded to concerns and questions of Councilmember Calhoun relative to the 32% cost increase, if these were standard type poles, if a shift to a different kind of pole was needed, and if the city was looking to continue paying for the expensive poles in the future, and also responded to a question of Councilmember Quintero relative to types of pole materials.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, a one-year requirements contract with provisions for two one-year extensions hereby awarded to Graybar Electric in the estimated amount of \$47,598.24 for ornamental streetlight poles and capitols, by the following vote:

Ayes : Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Calhoun
Absent : Boyajian

(1A-1d) AUTHORIZE NEGOTIATION OF A CONTRACT FOR PURCHASE OF RISK CLAIMS COMPUTER INFORMATION

Upon request of President Perea, Purchasing Manager Taggart explained the difference between the subject contract and a straight forward award. Councilmember Boyajian arrived at 2:12 p.m. Ms. Taggart and Risk Analyst Griever responded to questions of President Perea relative to whether the system was compatible and how it would integrate with PeopleSoft, if this was a custom program, and concern with the compatibility and if increased costs would be needed in the future.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the Purchasing Manager authorized to negotiate, finalize, and if successful, execute a contract with Computer Services Corporation in the amount of \$121,590 for the purchase of risk claims computer information system by September 30, 2001, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

(1A-4a) * RESOLUTION NO. 01-306 - 16TH AMENDMENT TO AAR 01-200 APPROPRIATING \$12,700 IN CDBG FUNDS TO PARTIALLY FUND INSTALLATION OF OUTDOOR LIGHTING FOR FRESNO HIGH SCHOOL'S FOOTBALL AND TRACK FIELD - COUNCILMEMBER BOYAJIAN

Upon request of President Perea, City Attorney Montoy reviewed the background of the issue and clarified the agreement would provide for lighting on weekends as well as weekdays. **(6 - 0)** Dean Hughsby responded to questions of Councilmember Boyajian relative to lighting and the use of the field after 9:00 p.m., and a motion and second was made to adopt the resolution.

Brief discussion ensued on errors and language in #2 of the agreement, with Mr. Hughsby and City Attorney Montoy responding and recommending minor language corrections relative to lighting. Councilmember Boyajian advised he and Mr. Hughsby would continue to work with the school district to allow the public to use the facility to the fullest. Acting President Ronquillo complimented Councilmember Boyajian, stated the City should form a firm partnership with the school districts to do exactly what occurred here, and commented on the Hyde Park project that was stopped due to neighborhood opposition and how he would look at the contract carefully to see if there was a way to integrate it with Edison High School.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-306 hereby adopted, and minor language corrections made in the fourth sentence of #2 of the Agreement by deleting the words "*endeavor to*" and "*will be*" to read as follows: "shall make the lighting available for use by the public during evening...", by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(5D) REQUEST CITY MANAGER TO INVESTIGATE THE POSSIBILITY OF INCREASING CITY USER FEES - COUNCILMEMBER BOYAJIAN (CONTINUED FROM EARLIER)

Councilmember Boyajian brought the matter back for discussion to make a formal direction motion. Upon question, Assistant City Manager Souza advised staff would report back in four weeks.

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, the City Manager requested to investigate the possibility of increasing City user fees and report back in four weeks, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(10:45 A.M.) APPROVAL OF SOCIAL SERVICES FUNDING (CONTINUED FROM EARLIER)

On motion of President Perea, seconded by Councilmember Castillo, duly carried, RESOLVED, reconsideration of the **10:45 A.M.** item hereby approved, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : Calhoun
Absent : None

Councilmember Duncan questioned if Council wanted to give specific direction to the Human Relations Commission (HRC) on how to distribute the \$60,513 that was made available by de-funding the new agencies. Discussion ensued on preferences and suggestions.

A motion of Councilmember Duncan, seconded by Councilmember Castillo, to allocate the \$60,513 equally among the approved agencies, excluding those agencies receiving funding higher than last years allocation failed, by the following vote:

Ayes : Castillo, Duncan, Perea
Noes : Boyajian, Calhoun, Quintero, Ronquillo
Absent : None

Acting President Ronquillo offered a motion to fund the agencies as comparable to last year's funding as could be minus the percentage across the board equal to the available funding. Brief discussion ensued on the motion and clarification. Upon call, Acting President Ronquillo's motion died for lack of a second.

A motion of Councilmember Castillo, seconded by Councilmember Duncan, to use the \$60,513 for curb cuts failed, by the following vote:

Ayes	:	Castillo, Duncan, Perea
Noes	:	Boyajian, Calhoun, Quintero, Ronquillo
Absent	:	None

On motion of Councilmember Quintero, seconded by President Perea, duly carried, RESOLVED, the Human Relations Commission directed to divide the \$60,513 equally among the agencies *excluding* those agencies receiving funding higher than last years allocation, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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(2:00 P.M.) RESOLUTION NO. 01-307 - NOMINATING CERTAIN CENSUS TRACTS AND DEVELOPABLE SITES FOR DESIGNATION UNDER ROUND III OF THE FEDERAL EMPOWERMENT ZONE PROGRAM (AMENDING RESOLUTION NO. 01-283)

Economic Development Coordinator Burkhardt gave a brief overview of the issue clarifying only the map of developable sites was modified and no changes were made to the census tracts.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-307 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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REQUEST COUNCIL MEMBERS SUBMIT WRITTEN MATERIAL ON ALL CITY COUNCIL ITEMS PLACED ON THE AGENDA - COUNCILMEMBER CALHOUN

Request made by Councilmember Calhoun who stated written material would be helpful to everyone. Discussion ensued on the procedure and City Attorney Montoy advised she would draft a policy and Councilmember Calhoun could place the matter on a future agenda. Councilmember Duncan spoke in support of the request.

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(10:45 A.M.) APPROVAL OF SOCIAL SERVICES FUNDING (CONTINUED FROM EARLIER)

Acting President Ronquillo questioned the final motion and it was confirmed the approved agencies would *not* receive any of the \$60,513 if they were allocated funds higher than last year.

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(2:00 P.M.) CLOSED SESSION:

1. JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 - PROPERTY: BNSF DEPOT BUILDING, BNSF FREIGHT OFFICE (AMTRAK STATION) AND THREE PARCELS OF BNSF LAND EAST OF THE BNSF TRACKS AT TULARE STREET - CITY NEGOTIATORS: ANDREW SOUZA, MARK WILLIAMSON, CARL KASSABIAN, DARRYL BALCH AND ROBERT ENGLISH - NEGOTIATING PARTIES: BURLINGTON NORTHERN AND SANTA FE RAILROAD (BNSF) - UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS REGARDING BOTH PRICE AND TERMS OF PAYMENT

(B) CASE NAME: UNSPECIFIED. ONE CASE. (DISCLOSURE OF TITLE WOULD ADVERSELY AFFECT SETTLEMENT NEGOTIATIONS)

2. REGULAR CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - CITY NEGOTIATORS: ANDREW SOUZA, SEVERO ESQUIVEL AND JORGE AGUINIGA - EMPLOYEE ORGANIZATIONS: INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39; AND INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW), LOCAL 100

(B) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY ATTORNEY

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. CITY OF FRESNO V. CITY OF CLOVIS, ET AL.
2. CITY OF FRESNO V. GARFIELD PARK HIGHLANDS, L.P., PR FARMS, ET AL (SUGAR PINE TRAIL)
3. SCOTT ELLIS ENTERPRISES, ET AL. V. CITY OF FRESNO, ET AL.
4. VICKI WESTBURG V. CITY OF FRESNO

(E) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - SIGNIFICANT EXPOSURE OF LITIGATION - CASE NAME: CITY OF FRESNO V. CITY OF CLOVIS, LAFCO AND COUNTY OF FRESNO

The City Council met in regular and joint closed session with the Redevelopment Agency at the hour of 3:01 p.m. and adjourned thereafter.

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CLOSED SESSION ANNOUNCEMENT

Relative to Item “E”, the Council voted 6-1, with Acting President Ronquillo absent, to approve initiation of litigation against the City of Clovis, LAFCO, and Fresno County regarding action taken December 2000, to approve the sphere of influence boundaries of Clovis.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:59 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 2nd day of October, 2001.

ATTEST:_____

Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk

